

## LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

### Planning/Zoning, Land Design & Development Meeting

Tuesday, April 1, 2008

2:10 P.M.

Third Floor, City Hall

**Present:**                      **Chairman:**      CM Owen  
                                 **Vice Chair:**    CM Stuckel  
                                 **Members:**    CM Heiner, and President King

**Also Present:**                                      CM Downard and CM Peden

**Absent:**    CM Flood (Excused) CM Raque Adams (Excused)  
    and CM Hamilton (Excused)

**Special Items for Discussion:** NONE

Chairman Owen began the meeting by introducing the members and non-members of the committee that were present. A quorum was established.

### AGENDA

[O-59-03-08 AN ORDINANCE CLOSING A 30-FOOT WIDE BY 130-FOOT LONG, UNIMPROVED SECTION OF LYTLE STREET LOCATED IN THE CITY OF LOUISVILLE METRO IN THE BLOCK BOUNDED BY PORTLAND AVENUE, N. 26TH STREET, BANK STREET, AND N. 24TH STREET, CONTAINING .09 ACRES, AS MORE PARTICULARLY DESCRIBED BY THE ATTACHED LEGAL DESCRIPTION AND PLAT \(CASE NO. 8985\).](#)

**Status:**      In-Committee  
**Committee:**      Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated December 20, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Hamilton's District. A power point presentation was given. The following were items of discussion and concern:

- Not an improved street
- Ownership would revert back to the church
- No complaints from Respective Agencies
- 100% of the property owners are in agreement

Motion to Table was made by Glen Stuckel and seconded by Hal Heiner.

Without objection the Ordinance was Tabled until President King was present.

Motion to Untable was made by Hal Heiner and seconded by Glen Stuckel.

The Ordinance was untabled.

**VOTING RESULTS:** For: 4; Against: 0; Abstain: 0; Absent: 3

For: Hal Heiner, Tom Owen, Glen Stuckel, Jim King

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

Motion to Approve was made by Hal Heiner and seconded by Glen Stuckel.

The Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Hal Heiner, Tom Owen, Glen Stuckel, Jim King

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

[O-60-03-08 AN ORDINANCE CLOSING A SECTION OF MADELE AVENUE FROM ITS INTERSECTION WITH PENRUTH AVENUE, RUNNING SOUTHWEST FROM SAID INTERSECTION FOR 304.99 FEET, CONTAINING .420 ACRES, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 1-47-00\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated December 20, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Ward-Pugh's District. A power point presentation was given. The following were items of discussion and concern:

- Unbuilt portion of right-of way
- Small area is wooded and need of maintenance
- When property reverts back to the property owners, owners will take care of the property
- 100% adjoining property owners are in agreement

The Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

[O-61-03-08 AN ORDINANCE CHANGING THE NAME OF THE EXISTING STREET KAYAK DRIVE, FROM ITS INTERSECTION WITH WINDY WILLOW DRIVE AND RUNNING SOUTHWESTWARD UNTIL IF MEETS FALLING SPRINGS DRIVE, TO FALLING SPRINGS DRIVE; AND SAID ROAD BEING LOCATED IN LOUISVILLE METRO \(CASE NO. 10443\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated March 6, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Downard's District. A power point presentation was given. The following were items of discussion and concern:

- Continuous Street Name
- 100% property owners are in agreement

CM Downard District Representative, stated the Emergency Medical Services, Police and Fire need this change and he is in agreement with this request.

This Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

[O-51-03-08 AN ORDINANCE REPEALING SECTION 155.03 OF THE LOUISVILLE METRO CODE OF ORDINANCES \(LMCO\) RELATING TO POLITICAL SIGNS.](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Jim King

Motion to Approve was made by Jim King and seconded by Hal Heiner.

**Discussion:** President King spoke to this item. The code of ordinances as it is placed a prohibition on political signs and this prohibition is a violation of the 1st amendment rights. He stated the County Attorney recommended it be repealed. Signs are still not allowed in a public right-of-way. This is for private property only.

This Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

[O-40-02-08 AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO PERMIT DRIVE-IN RESTAURANTS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE C 1 COMMERCIAL ZONING DISTRICT \(CASE NO. 10415\).](#)

**Status:** In Committee - Held

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS spoke to the item. The following was discussed:

- First portion of the amendment is a clarifying statement
- Some uses have to meet special standards
- Second portion under 4.3.10 is regarding Drive In Restaurants which you can sit in your vehicle to eat - is not a drive through
  - Currently not permitted in C-1 with certain standards
  - Must be 400 feet from residential or office uses
- Tool broadening applicable locations for Drive In Restaurants
- Prohibition of waivers and variances
- This is not a change regarding procedure

Motion to Amend by striking 4.3.1 relating to waivers and variances was made by Hal Heiner and seconded by Glen Stuckel

The Motion failed due to tie vote.

VOTING RESULTS: For: 2; Against: 2; Abstain: 0; Absent: 3

For: Hal Heiner, Glen Stuckel,  
Against: Jim King, Tom Owen,  
Abstain: (None)  
Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

The following was discussed:  
Accessory Structures  
Process regarding the amendments to the Land Development

This item was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel  
Against: (None)  
Abstain: (None)  
Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

[O-62-03-08 AN ORDINANCE CHANGING THE NAME OF TWO ROADS LOCATED WHOLLY WITHIN THE CLEARWATER FARM APARTMENTS: \(1\) FERN VALLEY WAY, SOUTH OF ITS INTERSECTION WITH FERN VALLEY ROAD TO ITS TERMINUS WITHIN THE CLEARWATER FARM APARTMENT COMPLEX, TO GREY VISTA WAY; AND \(2\) POPULAR PARK BOULEVARD, BETWEEN ITS INTERSECTION WITH FERN VALLEY ROAD AND ITS INTERSECTION WITH SHEPHERDSVILLE ROAD, TO CLEARWATER BOULEVARD; AND SAID ROADS BEING IN LOUISVILLE METRO \(CASE NO. 10331\).](#)

**Status:** In-Committee  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated March 6, 2008. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Shanklin's District. A power point presentation was given. The following were items of discussion and concern:

- Pedestrian and bicycle path connections
- Fire Chief in Okolona preferred the names be changed
- 100% of adjoining property owners are in agreement
- Inconsistency of having name changes regarding streets being the same name on both sides of an intersection
- Having unique names for continuous streets vs. the same name of a continuous streets

Motion to Amend as follows was made by Hal Heiner and seconded by Glen Stuckel.

- Change Clearwater Boulevard to Clearwater Farm Boulevard in the title of the Ordinance and in the first paragraph of the Ordinance
- Change Popular Park Boulevard to Poplar Park Boulevard in the title of the Ordinance and in the body of the ordinance

The amendment passed.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel  
Against: (None)  
Abstain: (None)  
Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

The Ordinance as amended was sent to **Old Business**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

The Committee decided to have someone from Planning and Design Staff and Emergency Medical staff to come and speak to the Committee regarding street names.

[O-63-03-08 AN ORDINANCE CLOSING A SECTION OF BRISCOE LANE FROM ITS INTERSECTION WITH BRISCOE RIDGE LANE AND RUNNING EAST UNTIL IT JOINS THE RELOCATED BRISCOE LANE, BUT EXCLUDING FROM CLOSURE A 50' BY 30' SECTION OF PIKEWOOD FIELD WAY THAT TRAVERSES THIS SECTION OF BRISCOE LANE TO BE CLOSED, CONTAINING 24,738 SQUARE FEET, AND BEING IN LOUISVILLE METRO \(DOCKET NO. 1-19-04\).](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

Motion to Approve was made by Glen Stuckel and seconded by Hal Heiner.

**Discussion:** Dawn Warrick, DPDS, spoke to the item. This item was on the Planning Commission's Consent Agenda dated February 1, 2007. No one spoke in opposition. The Commission approved the request and made recommendation for approval by the Metro Council. This is in CM Peden's District. This is a correction of Legal Description.

CM Peden, District Representative is in support of this request.

The Ordinance was sent to the **Consent Calendar**.

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel,

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood,

[O-56-03-08 AN ORDINANCE AMENDING CHAPTER 97 OF THE LOUISVILLE/JEFFERSON CODE OF ORDINANCES \(LMCO\) RELATED TO STREETS AND SIDEWALKS AND AMENDING THE LAND DEVELOPMENT CODE \(LDC\) RELATED TO DWELLINGS.](#)

**Status:** In-Committee

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** James Peden

Motion to Approve was made by Glen Stuckel and seconded by Jim King.

**Discussion:** CM Peden spoke to the item. This is regarding the Definition of a Dwelling Unit being changed. The following was discussed:

- Safety issues
- Negative impact on the neighborhood
- Two separate items: the LMCO and the Land Development Code.

Theresa Senninger, Assistant County Attorney, stated that since this addressed two separate items, it would probably need to be addressed as two separate Ordinances.

CM Peden asked Ms. Senninger if she would draft what was needed and give to Clerk's office to be put on the Council Agenda for consideration. She agreed and this ordinance will be amended by substitution with a Resolution leaving section 1 out. Then 2 ordinances will be submitted after the Planning Commission looks at the definition of a Dwelling Unit.

Motion to Table this item until it could all be worked out was made by Glen Stuckel and seconded by Hal Heiner.

This item was **Tabled**

VOTING RESULTS: For: 4; Against: 0; Abstain: 0; Absent: 3

For: Jim King, Hal Heiner, Tom Owen, Glen Stuckel

Against: (None)

Abstain: (None)

Absent: Cheri Bryant Hamilton, Julie Raque Adams, Madonna Flood

[O-49-03-08 AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO ALLOW DAY CARE CENTERS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE M-1 INDUSTRIAL ZONING DISTRICT \(CASE NO. 10416\).](#)

**Status:** In Committee - Held

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

**Discussion:** This item remained **Held in Committee**.

Motion to Adjourn was made by Glen Stuckel and seconded by Jim King.

**\*NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting on April 17, 2008.**

**Without objection the meeting adjourned at 3:48 p.m.**

**KQG**